

By: Zaffirini
(Moody)

S.B. No. 1709

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirement of a guardian to provide information
3 regarding a ward's health and residence to certain relatives of the
4 ward.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section [1051.103](#), Estates Code, is amended by
7 adding Subsection (c) to read as follows:

8 (c) A citation served as provided by Subsection (a) to a
9 relative of the proposed ward described by Subsection (a)(2) or (4)
10 must contain a statement notifying the relative that, if a
11 guardianship is created for the proposed ward, the relative must
12 elect in writing in order to receive notice about the ward under
13 Section [1151.056](#).

14 SECTION 2. Section [1051.104](#), Estates Code, is amended by
15 adding Subsection (d) to read as follows:

16 (d) Notice required by Subsection (a) to a relative of the
17 proposed ward described by Subsection (a)(1) or (2) must contain a
18 statement notifying the relative that, if a guardianship is created
19 for the proposed ward, the relative must elect in writing in order
20 to receive notice about the ward under Section [1151.056](#).

21 SECTION 3. Section [1151.056](#), Estates Code, is amended by
22 amending Subsections (a) and (g) and adding Subsections (h) and (i)
23 to read as follows:

24 (a) This section applies only with respect to a relative

1 ~~[relatives]~~ described under Sections 1101.001(b)(13)(A)-(D):

2 (1) against whom a protective order has not been
3 issued to protect the ward;

4 (2) who has not been found by a court or other state
5 agency to have abused, neglected, or exploited the ward; and

6 (3) who has elected in writing to receive the notice
7 about a ward under this section.

8 (g) In considering a motion under Subsection (e), the court
9 shall relieve the guardian of the duty to provide notice about a
10 ward to a relative under this section if the court finds that:

11 (1) the motion includes a written request from a
12 relative electing to not receive the notice;

13 (2) the guardian was unable to locate the relative
14 after making reasonable efforts to discover and locate the
15 relative;

16 (3) the guardian was able to locate the relative, but
17 was unable to establish communication with the relative after
18 making reasonable efforts to establish communication; or

19 ~~(4) [a protective order was issued against the~~
20 ~~relative to protect the ward,~~

21 ~~[(5) a court or other state agency has found that the~~
22 ~~relative abused, neglected, or exploited the ward, or~~

23 ~~[(6)]~~ notice is not in the best interest of the ward.

24 (h) A guardian, as soon as possible but not later than
25 September 1, 2019, shall provide notice to a relative of the ward
26 described under Sections 1101.001(b)(13)(A)-(D) whose whereabouts
27 are known or can reasonably be ascertained that the relative must

1 elect in writing in order to receive notice about the ward under
2 this section. This subsection applies only to a guardianship:

3 (1) created on or before the effective date of this
4 subsection; or

5 (2) created after the effective date of this
6 subsection if the application for the guardianship was pending on
7 the effective date of this subsection.

8 (i) This subsection and Subsection (h) expire January 1,
9 2020.

10 SECTION 4. The changes in law made by this Act apply to a
11 guardianship created before, on, or after the effective date of
12 this Act.

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2017.